

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BETHLEHEM AREA SCHOOL DISTRICT	:	
	:	
v.	:	
	:	
NAUTILUS INSURANCE COMPANY	:	NO.
	:	
and	:	
	:	
SCOTTSDALE INSURANCE COMPANY	:	
	:	

PETITION FOR REMOVAL

TO THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA:

Nautilus Insurance Company, Defendant in the above-captioned matter, hereby files a Petition for Removal of said case from the Court of Common Pleas of the Commonwealth of Pennsylvania (Northampton County), in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania.

1. This action was commenced by way of a Complaint filed in the Court of Common Pleas of Northampton County, Pennsylvania in June, 2002 and is docketed at number C0048CV2002004126. The Complaint was served on petitioner via certified mail on June 10, 2002.

2. The Complaint avers that plaintiff was an "additional insured" under a policy of insurance issued by Petitioner. The Complaint further avers that plaintiff hired White Brothers Construction, Inc., the named insured, to repair or replace a roof on Freemansburg Elementary School, that the work was performed in a substandard manner resulting in water and mold damage. (A true and correct copy of the Complaint is attached as Exhibit "A".)

3. Defendant, Nautilus Insurance Company, was, at the time this action was commenced, and is at the present time, a corporation incorporated under the laws of the State of Arizona with its principal place of business in the State of Arizona.

4. Defendant, Scottsdale Insurance Company, was, at the time this action commenced, and are at the present time, a corporation incorporated under the laws of the State of Arizona with its principal place of business in the State of Arizona.

5. Plaintiff, Bethlehem Area School District was, at the time this action commenced, and are at the present time, according to the Complaint, domiciled in Northampton County, Pennsylvania.

6. The value of the matters in controversy, as appearing from the allegations contained in the Complaint, exceeds the amount of One Hundred Fifty Thousand (\$150,000.00) Dollars, exclusive of interest and costs.

7. The present Complaint is removable from State Court to the District Court of the United States pursuant to 28 U.S.C. §1332(a)(1) and §144(a).

8. Copies of all process, pleadings and orders which have been received by Petitioner are filed herewith as Exhibit "A".

9. This Petition is timely, it being filed within thirty (30) days of the receipt by Petitioner of a copy of the Complaint setting forth the claims for relief upon which the action is based.

WHEREFORE, Petitioner prays that this action be removed from the Court of Common Pleas of Northampton County to United States District Court for the Eastern District of Pennsylvania.

JOHN CHURCHMAN SMITH & ASSOCIATES, P.C.

BY: _____
STUART S. SMITH, ESQUIRE
Attorney for Defendant,
Nautilus Insurance Company

DATE:

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	:	

PROOF OF FILING

COMMONWEALTH OF PENNSYLVANIA	:	
	:	SS.
COUNTY OF DELAWARE	:	

STUART S. SMITH, ESQUIRE, being duly sworn on his oath deposes and states that he is one of the attorneys for the Defendant/Petitioner; that he did direct the filing with the Prothonotary of the court of Common Pleas of Northampton County, a copy of the Petition for Removal and attachments thereto, by having copy of same delivered to said Prothonotary.

STUART S. SMITH, ESQUIRE

Sworn to and subscribed
before me this
day of , 2002.

Notary Public

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	:	
and	:	
	:	
SCOTTSDALE INSURANCE COMPANY	:	
	:	

PETITION FOR REMOVAL TO FEDERAL COURT

TO THE PROTHONOTARY OF THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY:

Pursuant to 28 U.S.C. §1332(a)(1) and §1441, defendant, Nautilus Insurance Company, files herewith a certified copy of the Petition for Removal.

JOHN CHURCHMAN SMITH & ASSOCIATES, P.C.

BY: _____
STUART S. SMITH, ESQUIRE
Attorney for Defendant,
Nautilus Insurance Company

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	:	

VERIFICATION

STUART S. SMITH, ESQUIRE, being duly sworn, hereby deposes and says that he is one of the attorneys for the Defendant/Petitioner in the within action;

that he has the authority to take this Verification on its behalf;

that he has read the foregoing Petition for Removal to Federal Court and knows the contents thereof; and

that the same is true of his own knowledge, information and belief.

STUART S. SMITH, ESQUIRE